

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 107

HOUSE BILL 2349

AN ACT

AMENDING SECTIONS 13-4438 AND 41-2419, ARIZONA REVISED STATUTES; AMENDING SECTION 31-281, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 193, SECTION 263 AND CHAPTER 373, SECTION 3; REPEALING SECTION 31-281, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 382, SECTION 5; RELATING TO DEOXYRIBONUCLEIC ACID TESTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-4438, Arizona Revised Statutes, is amended to
3 read:

4 13-4438. Deoxyribonucleic acid testing; exception

5 A. Before a person is released and within thirty days after the
6 arrival of a person who is accepted under the interstate compact for the
7 supervision of parolees and probationers, the state department of corrections
8 shall secure a blood sample sufficient for deoxyribonucleic acid testing and
9 extraction from the person if the person was convicted of an offense listed
10 in this section or an attempt to commit an offense listed in this section and
11 was sentenced to a term of imprisonment. The state department of corrections
12 shall transmit the sample to the department of public safety. A person who
13 is accepted for interstate parole supervision by this state shall pay for the
14 costs of the testing.

15 B. Before a person is released, the county jail detention facility
16 shall secure a blood sample sufficient for deoxyribonucleic acid testing and
17 extraction from the person if the person was convicted of or adjudicated
18 delinquent for an offense listed in this section or an attempt to commit an
19 offense listed in this section and was sentenced to a term of incarceration
20 in a county jail detention facility or a county juvenile detention facility.
21 The county jail detention facility shall transmit the sample to the
22 department of public safety.

23 C. Within fifteen days after a person is convicted or adjudicated
24 delinquent, a county probation department shall secure a blood sample
25 sufficient for deoxyribonucleic acid testing and extraction from the person
26 if the person is convicted of or adjudicated delinquent for an offense listed
27 in this section or an attempt to commit an offense listed in this section and
28 is sentenced to or placed on a term of probation. The county probation
29 department shall transmit the sample to the department of public safety. THE
30 PERSON SHALL PAY THE COST OF TESTING TO THE CLERK OF THE COURT. THE CLERK
31 OF THE COURT SHALL TRANSMIT THE MONIES TO THE COUNTY TREASURER WHO SHALL
32 TRANSMIT THE MONIES TO THE STATE TREASURER FOR DEPOSIT IN THE ARIZONA
33 DEOXYRIBONUCLEIC ACID IDENTIFICATION SYSTEM FUND ESTABLISHED BY SECTION
34 41-2419.

35 D. Within thirty days after the arrival of a person who is accepted
36 under the interstate compact for the supervision of parolees and
37 probationers, a county probation department shall secure a blood sample
38 sufficient for deoxyribonucleic acid testing and extraction from the person
39 if the person was convicted of an offense listed in this section or an
40 attempt to commit an offense listed in this section and was sentenced to a
41 term of probation. The county probation department shall transmit the sample
42 to the department of public safety. ~~A THE person who is accepted for~~
43 ~~interstate probation supervision by this state shall pay the cost of testing~~
44 ~~TO THE CLERK OF THE SUPERIOR COURT. THE CLERK OF THE SUPERIOR COURT SHALL~~
45 ~~TRANSMIT THE MONIES TO THE COUNTY TREASURER WHO SHALL TRANSMIT THE MONIES TO~~

1 THE STATE TREASURER FOR DEPOSIT IN THE ARIZONA DEOXYRIBONUCLEIC ACID
2 IDENTIFICATION SYSTEM FUND ESTABLISHED BY SECTION 41-2419.

3 E. Before the release of a committed youth as defined in section
4 41-2801, the department of juvenile corrections shall secure a blood sample
5 sufficient for deoxyribonucleic acid testing and extraction from the youth
6 if the youth was adjudicated delinquent for an offense listed in this section
7 or an attempt to commit an offense listed in this section and was committed
8 to a secure care facility. The department of juvenile corrections shall
9 transmit the sample to the department of public safety.

10 F. If a juvenile is accepted by the department of juvenile corrections
11 pursuant to the interstate compact on juveniles and is adjudicated for an
12 offense listed in this section, the compact administrator shall request that
13 the sending state impose as a condition of supervision that the juvenile
14 submit a blood sample sufficient for deoxyribonucleic acid testing within
15 thirty days of arrival in this state. If the sending state does not impose
16 that condition, the department of juvenile corrections shall request a blood
17 sample sufficient for deoxyribonucleic acid testing within thirty days of the
18 juvenile's arrival in this state. The department of juvenile corrections
19 shall transmit the sample to the department of public safety.

20 G. Notwithstanding subsections A through F of this section, the
21 department of public safety shall not secure a blood sample if the scientific
22 criminal analysis section of the department has previously made a
23 deoxyribonucleic acid analysis of the person's blood pursuant to this section
24 and maintains a report of the results.

25 H. The department of public safety shall do all of the following:

26 1. Conduct or oversee through mutual agreement an analysis of the
27 samples that it receives.

28 2. Make and maintain a report of the results of each deoxyribonucleic
29 acid analysis.

30 3. Maintain blood samples for at least thirty-five years.

31 I. This section applies to persons who are convicted of or adjudicated
32 delinquent for the following offenses:

33 1. A violation of or an attempt to violate section 13-1403, 13-1404,
34 13-1405, 13-1406, 13-1410, 13-1417, 13-3608, 13-3821, 13-3822 or 13-3824.

35 2. Beginning on January 1, 2001, a violation of or an attempt to
36 violate title 13, chapter 11, section 13-1507 or section 13-1508.

37 3. Beginning on January 1, 2002, any offense involving the discharge,
38 use or threatening exhibition of a deadly weapon or dangerous instrument or
39 the intentional or knowing infliction of serious physical injury as provided
40 in section 13-604.

41 Sec. 2. Section 31-281, Arizona Revised Statutes, as amended by Laws
42 2000, chapter 193, section 263 and chapter 373, section 3, is amended to
43 read:

1 31-281. Deoxyribonucleic acid identification; testing

2 A. A person who is convicted of or adjudicated delinquent for any
3 offense listed in section 13-4438, subsection 1 and any person who is
4 accepted under the interstate compact for the supervision of parolees and
5 probationers and who has arrived in this state shall submit to
6 deoxyribonucleic acid testing for law enforcement identification purposes.
7 The department of public safety shall maintain both of the following:

8 1. Reports of the tests.

9 2. Blood samples for at least thirty-five years.

10 B. A person who is tested pursuant to this section and who has
11 sufficient financial ability shall pay for the costs of the testing TO THE
12 CLERK OF THE COURT. The cost to the person shall not exceed five hundred
13 dollars. THE CLERK OF THE COURT SHALL TRANSMIT all monies received pursuant
14 to this subsection shall be deposited TO THE COUNTY TREASURER WHO SHALL
15 TRANSMIT THE MONIES TO THE STATE TREASURER FOR DEPOSIT, pursuant to sections
16 35-146 and 35-147, in the Arizona deoxyribonucleic acid identification system
17 fund established by section 41-2419.

18 C. If a juvenile is adjudicated delinquent and is tested pursuant to
19 subsection A of this section, the results of the test may be used for any law
20 enforcement identification purpose, including adult prosecutions.

21 Sec. 3. Repeal

22 Section 31-281, Arizona Revised Statutes, as amended by Laws 2001,
23 chapter 382, section 5, is repealed.

24 Sec. 4. Section 41-2419, Arizona Revised Statutes, is amended to read:

25 41-2419. Arizona deoxyribonucleic acid identification system
26 fund

27 A. The Arizona deoxyribonucleic acid identification system fund is
28 established. The Arizona deoxyribonucleic acid identification system fund
29 consists of monies collected pursuant to section 12-116.01 and distributed
30 pursuant to section 41-2401, subsection D, paragraph 6, monies collected
31 pursuant to section 31-281, MONIES DEPOSITED PURSUANT TO SECTION 13-4438 and
32 monies contributed to the fund from any other source. On notice from the
33 department of public safety, the state treasurer shall invest and divest
34 monies in the fund as provided by section 35-313, and monies earned from
35 investment shall be credited to the fund.

36 B. The department of public safety shall administer the fund.

37 C. Subject to legislative appropriation, monies in the fund shall be
38 used for implementing, operating and maintaining deoxyribonucleic acid
39 testing and for the costs of administering the system.

APPROVED BY THE GOVERNOR APRIL 30, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2002.

Passed the House March 27, 20 02,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 23, 20 02,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

Chasmin Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 20 02,

at 11:01 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 30 day of

April, 20 02,

at 1:04 o'clock P M.

[Signature]
Governor of Arizona

H.B. 2349

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 20 02,

at 12:13 o'clock P M.

[Signature]
Secretary of State